Exhibit C

(Exhibits to the Declaration of Susan J. Welch: Plaintiffs' Proposed Redactions)

Exhibit B

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

3

4   --------------------------

5   IN RE: HIGH-TECH EMPLOYEE)

6   ANTITRUST LITIGATION   ) No. 11-CV-2509-LHK

7   --------------------------

8

9

10

11

12   VIDEOTAPED DEPOSITION OF MARK FICHTNER

13   San Francisco, California

14   Monday, October 15, 2012

15   Volume I

16

17

18

19

20   Reported by:

21   ASHLEY SOEVYN

22   CSR No. 12019

23   Job No. 1541278

24

25   PAGES 1 - 233

Page 1

```
 1    different employees' compensation would go within        10:47:59

 2    the budget that you had to work with?                     10:48:05

 3         A.   A little less input into that.  More input      10:48:08

 4    into where they were on the list.                         10:48:11

 5         Q.   Okay.  So you would rank them as you've          10:48:13

 6    been trying to tell me, right?                            10:48:15

 7         A.   Yes.                                             10:48:17

 8         Q.   Okay.  I got it now.  So you would rank          10:48:17

 9    them -- that would go up to the higher level              10:48:19

10    managers, and that ranking would eventually               10:48:22

11    determine how much compensation each person would         10:48:30

12    get, right?                                               10:48:34

13         A.   It would a major factor.                         10:48:35

14         Q.   Yes.  It would be a major factor, and I         10:48:39

15    think as you said before, there would be sort of a        10:48:42

16    total pie that the senior managers had to work with       10:48:44

17    and they would have to figure out how to carve it         10:48:48

18    out, then allocate it out to the different employees      10:48:50

19    in the group based upon the ranking that you              10:48:52

20    provided and perhaps other factors, right?               10:48:54

21         A.   Yes.                                             10:48:58

22         Q.   You also mentioned, I think that you            10:49:00

23    could -- or that people at Intel sometimes could          10:49:06

24    negotiate salaries -- sorry, negotiate raises at          10:49:09

25    other times of the year.  Is that what you said?          10:49:13
```

1	MS. SHAVER: Objection, assumes facts not	12:22:52
2	in evidence.	12:22:53
3	THE WITNESS: I didn't calculate.	12:22:55
4	BY MR. HINMAN:	12:22:57
5	Q. Well, you said -- didn't you tell me	12:22:57
6	earlier that that was part of your decision to go to	12:22:59
7	the Lab?	12:23:01
8	A. Yes, but I didn't do a financial	12:23:01
9	calculation.	12:23:04
10	Q. You put no value on that whatsoever?	12:23:04
11	MS. SHAVER: Objection, mischaracterizes	12:23:06
12	testimony.	12:23:08
13	THE WITNESS: I placed value on it. I	12:23:08
14	didn't do a financial or a monetary calculation of	12:23:11
15	what that would be worth.	12:23:14
16	BY MR. HINMAN:	12:23:15
17	Q. So there was greater than zero, but you	12:23:15
18	didn't know or think about how much greater than	12:23:19
19	zero; is that right?	12:23:22
20	A. I didn't do a numeric calculation.	12:23:23
21	Q. Okay. So when you left Marvell, is it	12:23:31
22	right to say -- well, do you know how much you were	12:23:34
23	making all in when you left Marvell?	12:23:37
24	MS. SHAVER: Objection, vague.	12:23:44
25	THE WITNESS: Are you referring to salary	12:23:46

Page 118

1	THE WITNESS: Do I have personal -- or do I	13:43:04
2	have knowledge of who served on which boards?	13:43:05
3	BY MR. HINMAN:	13:43:12
4	Q. Do you have any personal knowledge of the	13:43:12
5	extent of any supposed agreement beyond the six that	13:43:15
6	are alleged in the complaint? Or even of those, for	13:43:21
7	that matter. Do you know anything about any of	13:43:24
8	that, personally?	13:43:32
9	A. I know of the eight contracts that were	13:43:35
10	list -- or the -- I know of the agreements that have	13:43:40
11	been mentioned in the complaint. And I know of the	13:43:42
12	relationships of the CEOs with each other.	13:43:46
13	Q. Is there any agreement alleged that Adobe	13:43:50
14	couldn't cold call Intel? Yes or no.	13:43:53
15	A. Not that I'm aware of.	13:43:59
16	Q. Okay. There is an agreement alleged that	13:44:02
17	Adobe couldn't cold call Apple, correct?	13:44:04
18	A. Alleged, yes.	13:44:06
19	Q. If Adobe needed to hire a software engineer	13:44:08
20	like yourself and they couldn't cold call into	13:44:10
21	Apple, doesn't that follow as a logical matter that	13:44:16
22	they are more likely to cold call into Intel?	13:44:18
23	MS. SHAVER: Objection to form.	13:44:23
24	THE WITNESS: I'm not sure. Your question	13:46:01
25	is because I have one less company to hire from,	13:46:06

Page 143

```
 1    does that increase the chances that I might hire        13:46:10

 2    from any particular company or recruit or cold call?    13:46:13

 3    And I'm not sure.                                       13:46:19

 4    BY MR. HINMAN:                                          13:46:21

 5        Q.   Okay.  Well, let me ask it this way.  If       13:46:21

 6    there is a company that you can't cold call into,       13:46:24

 7    doesn't that make it more likely that you're going      13:46:27

 8    to cold call into any or all of the other companies     13:46:30

 9    that are available to you?                              13:46:38

10             MS. SHAVER:  Same objection.                   13:46:44

11             THE WITNESS:  Again, you're using -- you       13:47:07

12    have one less company that you can hire or you can      13:47:12

13    recruit from.  But that doesn't necessarily increase    13:47:14

14    or decrease the probability that you're going to        13:47:18

15    call any other particular company.                      13:47:21

16        Q.   Well, it's certainly not going to decrease     13:47:24

17    it, is it?                                              13:47:25

18        A.   No.                                            13:47:26

19        Q.   It might not affect it or it might increase    13:47:26

20    it; is that fair?                                       13:47:29

21        A.   Yes.                                           13:47:33

22        Q.   Is there anything about these seven            13:47:40

23    companies that you think that the employees are         13:47:44

24    particularly well-suited to work at the other           13:47:49

25    companies, as opposed to the scores of other           13:47:53
```

Page 144

1	A. If they were looking for an experienced	13:51:23
2	candidate.	13:51:25
3	Q. As opposed to an inexperienced one?	13:51:25
4	A. An inexperienced candidate, I think you	13:51:28
5	might have a slightly different pool, including the	13:51:30
6	colleges and universities that they go after.	13:51:34
7	Q. Okay. But in terms of experienced	13:51:36
8	candidates, I thought what I understood you to be	13:51:38
9	saying is that the employees of these companies are	13:51:41
10	particularly attractive.	13:51:44
11	A. Yes.	13:51:48
12	Q. All right. So if one of the sources of	13:51:49
13	attractive candidates is not available, wouldn't	13:51:56
14	that really tend to increase the incentive to search	13:52:00
15	in the other attractive employee pools?	13:52:07
16	MS. SHAVER: Objection, asked and	13:52:11
17	answered.	13:52:15
18	THE WITNESS: From a probability point of	13:52:16
19	view, yes.	13:52:23
20	BY MR. HINMAN:	13:52:27
21	Q. Now, in terms of your job search in 2008, I	13:52:27
22	take it that you would claim in the case that you	13:52:40
23	didn't have to compete against Google employees for	13:52:42
24	that position at Intel because of the agreement	13:52:48
25	between those two companies; is that correct?	13:52:52

Page 147

1	Q. ████████████████████████	15:25:17
2	████████████████████████	15:25:22
3	MS. SHAVER: Objection, calls for	15:25:26
4	speculation.	15:25:28
5	THE WITNESS: I don't know.	15:25:30
6	BY MR. HINMAN:	15:25:31
7	Q. ████████████████████████	15:25:31
8	MS. SHAVER: Same objection.	15:25:35
9	THE WITNESS: I don't know.	15:25:36
10	BY MR. HINMAN:	15:25:38
11	Q. Well, those were alternative choices that	15:25:38
12	you had, right?	15:25:40
13	A. I don't agree with the premise.	15:25:53
14	Q. You told me earlier today that you could	15:25:54
15	work at any company that had software, right? Yes	15:25:56
16	or no, you told me that?	15:26:11
17	A. I can contribute to any company that	15:26:13
18	produces software, right.	15:26:14
19	Q. And so at some level, any company that	15:26:16
20	produces software is in competition for, not you	15:26:22
21	personally, but employees like you, right?	15:26:26
22	MS. SHAVER: Object to form.	15:26:31
23	THE WITNESS: Again, I am not agreeing with	15:26:43
24	your word "compete."	15:26:45
25	BY MR. HINMAN:	15:27:03

Page 197

```
 1   STATE OF CALIFORNIA     ) ss:

 2   COUNTY OF MARIN         )

 3

 4        I, ASHLEY SOEVYN, CSR No. 12019, do hereby

 5   certify:

 6        That the foregoing deposition testimony was

 7   taken before me at the time and place therein set

 8   forth and at which time the witness was administered

 9   the oath;

10        That the testimony of the witness and all

11   objections made by counsel at the time of the

12   examination were recorded stenographically by me,

13   and were thereafter transcribed under my direction

14   and supervision, and that the foregoing pages

15   contain a full, true and accurate record of all

16   proceedings and testimony to the best of my skill

17   and ability.

18        I further certify that I am neither counsel for

19   any party to said action, nor am I related to any

20   party to said action, nor am I in any way interested

21   in the outcome thereof.

22        IN THE WITNESS WHEREOF, I have transcribed my

23   name this 22nd day of October, 2012.

24

                        ASHLEY SOEVYN, CSR 12019

25
```

Page 233

Exhibit C

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

3

4   --------------------------

5   IN RE: HIGH-TECH EMPLOYEE)

6   ANTITRUST LITIGATION   ) No. 11-CV-2509-LHK

7   --------------------------

8

9

10   HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

11

12

13   VIDEOTAPED DEPOSITION OF SIDDHARTH HARIHARAN

14   San Francisco, California

15   Friday, October 12, 2012

16   Volume I

17

18

19

20   Reported by:

21   ASHLEY SOEVYN

22   CSR No. 12019

23   Job No. 1541277

24

25   PAGES 1 - 310

                                         Page 1

1	explored business opportunities. I don't know if I	14:28:36
2	ever got a response from them.	14:28:38
3	Q. So the business partnership possibilities	14:28:40
4	that you explored with Google those happened after	14:28:43
5	you founded InEarth?	14:28:47
6	A. I think so, yes.	14:28:52
7	Q. And so far those have not born any fruit?	14:28:53
8	A. I don't think so.	14:29:02
9	Q. If you were to work at Google, what	14:29:03
10	position do you think you would be qualified to	14:29:05
11	fill?	14:29:07
12	A. Well, I'm a software engineer with a ton of	14:29:07
13	experience with graphics, 3D math, talking about all	14:29:12
14	the things that Google does, so -- and I'm a	14:29:16
15	generalist, I probably be able to fill a lot of	14:29:23
16	positions there. I don't know exact positions, you	14:29:27
17	know, I'm not that strong in back end server work,	14:29:30
18	but I've done a lot of server work as well -- a lot	14:29:34
19	of -- because with Remoto and -- with a lot of	14:29:39
20	things, I've just done a lot of server work. They	14:29:42
21	do a lot of that as well. I don't know. There is	14:29:45
22	ton of positions I could fill.	14:29:48
23	Q. Would it concern you in applying for a	14:29:55
24	company like Google that they are not a video game	14:29:57
25	company?	14:30:00

Page 179

1	A. It has nothing to do with it. As a	14:30:01
2	software engineer, from the video game world, I can	14:30:04
3	work pretty much anywhere. In fact, that was the	14:30:07
4	case when -- well, it's been the case -- I know many	14:30:11
5	people that have worked in gaming that have jumped	14:30:15
6	to Adobe that have worked at Apple, worked at	14:30:17
7	Google. I know somebody who worked at NASA who came	14:30:22
8	to Lucasfilm.	14:30:25
9	So it's software engineering at the end of	14:30:27
10	the day. It's a lot easier, I think, for a gaming	14:30:30
11	engineer. A person that's worked on games to go	14:30:33
12	work for any of the large software companies because	14:30:40
13	the level of software engineering that game	14:30:43
14	developers do is very, very computationally	14:30:51
15	critical. And there's just so much commonality.	14:30:53
16	The only difference is -- do you know the difference	14:30:57
17	between a game and an application?	14:31:01
18	Q. Why don't you tell me.	14:31:07
19	A. An application is no real different from a	14:31:14
20	game. A game is just an interactive application.	14:31:17
21	It's a 3D -- it's could be a 3D application. It's	14:31:21
22	something with graphics, you know. A game didn't	14:31:24
23	even have graphics in the past. But there's no	14:31:25
24	difference between an application and a game.	14:31:25
25	How you monetize it -- your audience might	14:31:32

Page 180

1	be different. But there's no difference between an	14:31:37
2	application and a game. It's the same thing. Just	14:31:38
3	one happens -- you know, there are 3D applications,	14:31:40
4	too. You know, 3D Studio Math, Maya, you know,	14:31:44
5	those are applications with actual 3D geometry, a	14:31:45
6	lot of 3D math. You know, you're doing rendering	14:31:53
7	there. It has a lot of the same things. It's just	14:31:56
8	you're not sitting there playing with a joystick.	14:31:57
9	That's a completely different thing. That's a small	14:32:01
10	component at the end.	14:32:04
11	But there's no -- as far as computational	14:32:06
12	complexity, the type of coding that you do. Like,	14:32:07
13	if you put me in front of code that was written	14:32:12
14	by -- for Microsoft Word, I would being able to know	14:32:16
15	what it did with enough time, just like any engineer	14:32:20
16	would. So it's -- yeah, software engineering at the	14:32:25
17	end of the day.	14:32:29
18	Q. ██████████████████████	14:32:30
19	A. I really enjoyed working at Lucasfilm.	14:32:34
20	I -- it's really tough because it depends on what	14:32:38
21	time period you're talking about, too.	14:32:43
22	Q. ██████████████████████	14:32:45
23	██████	14:32:47
24	A. ████████████ ████████	14:32:50
25	██████████████████████	14:32:53

Page 181

1   STATE OF CALIFORNIA   ) ss:

2   COUNTY OF MARIN   )

3

4   I, ASHLEY SOEVYN, CSR No. 12019, do hereby

5   certify:

6   That the foregoing deposition testimony was

7   taken before me at the time and place therein set

8   forth and at which time the witness was administered

9   the oath;

10   That the testimony of the witness and all

11   objections made by counsel at the time of the

12   examination were recorded stenographically by me,

13   and were thereafter transcribed under my direction

14   and supervision, and that the foregoing pages

15   contain a full, true and accurate record of all

16   proceedings and testimony to the best of my skill

17   and ability.

18   I further certify that I am neither counsel for

19   any party to said action, nor am I related to any

20   party to said action, nor am I in any way interested

21   in the outcome thereof.

22   IN THE WITNESS WHEREOF, I have transcribed my

23   name this 22nd day of October, 2012.

24

25

                                    ASHLEY SOEVYN, CSR 12019

                                                Page 310

Exhibit D

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

3

4   --------------------------

5   IN RE: HIGH-TECH EMPLOYEE)

6   ANTITRUST LITIGATION   ) No. 11-CV-2509-LHK

7   --------------------------

8

9

10   HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

11

12

13   VIDEOTAPED DEPOSITION OF MICHAEL DEVINE

14   San Francisco, California

15   Wednesday, October 24, 2012

16   Volume I

17

18

19

20   Reported by:

21   ASHLEY SOEVYN

22   CSR No. 12019

23   JOB No. 1545479

24

25   PAGES 1 - 265

                                        Page 1

1	A. I would work in any market domain.	12:03:02
2	Q. What about -- what types of companies could	12:03:07
3	you work for?	12:03:12
4	A. Any type of company that needed software	12:03:13
5	engineering expertise. Or any company that was	12:03:18
6	interested in my expertise in any of these	12:03:27
7	particular market domains. There's this other thing	12:03:31
8	that some tech people do, which is technical product	12:03:34
9	management or we call them PMs at Microsoft.	12:03:38
10	Technical background, but they understand the	12:03:45
11	features and functions of the product space.	12:03:47
12	I could kind of work in both those areas.	12:03:55
13	Yeah, actually quite -- very flexible. So the	12:04:05
14	common threads are not restricting, they're an	12:04:14
15	advantage within that domain, but it's not that I	12:04:17
16	can't jump into anything that's completely foreign	12:04:20
17	to me and do it.	12:04:22
18	Q. You could work for any company that needs	12:04:30
19	software engineering with your skill set?	12:04:33
20	A. I think so.	12:04:36
21	Q. Looking at your resume, it appears that you	12:04:41
22	could work for technology companies and	12:04:46
23	non-technology companies?	12:04:50
24	A. Generally making technology for	12:04:57
25	non-technology companies. That's probably --	12:04:59

Page 96

1	depends on whether a company thinks its a technology	12:05:06
2	company or not.	12:05:10
3	Q. You worked for Merrill Lynch, for	12:05:10
4	example?	12:05:13
5	A. Yes. Which, depending on who you talk to,	12:05:14
6	is not a technology company. My boss thought it was	12:05:19
7	a technology company, actually. It is a matter of	12:05:22
8	perspective -- obviously they are a financial	12:05:30
9	company, but --	12:05:33
10	Q. Could you work for a financial company?	12:05:33
11	A. Most, yes.	12:05:44
12	Q. Doing the software engineering work that	12:05:47
13	you're qualified to do?	12:05:48
14	A. Yes. I could probably do mathematical	12:05:50
15	modeling work too, simulation. Actually, when I was	12:05:53
16	at Merrill Lynch, I created a new way of looking at	12:05:58
17	a bond valuation over time -- that wasn't used for a	12:06:09
18	long time. So that was a bit of an analytical thing	12:06:14
19	that would have been more of an analyst, bond	12:06:18
20	analyst kind of role. But again, my job title was	12:06:24
21	mathematical programmer, I think at that time.	12:06:30
22	Q. ███████████████████████	12:06:35
23	██████	12:06:37
24	██ ███	12:06:41
25	██ ██████████████████	12:06:42

Page 97

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1   STATE OF CALIFORNIA   ) ss:

2   COUNTY OF MARIN   )

3

4   I, ASHLEY SOEVYN, CSR No. 12019, do hereby

5   certify:

6   That the foregoing deposition testimony was

7   taken before me at the time and place therein set

8   forth and at which time the witness was administered

9   the oath;

10   That the testimony of the witness and all

11   objections made by counsel at the time of the

12   examination were recorded stenographically by me,

13   and were thereafter transcribed under my direction

14   and supervision, and that the foregoing pages

15   contain a full, true and accurate record of all

16   proceedings and testimony to the best of my skill

17   and ability.

18   I further certify that I am neither counsel for

19   any party to said action, nor am I related to any

20   party to said action, nor am I in any way interested

21   in the outcome thereof.

         IN THE WITNESS WHEREOF, I have transcribed my

22   name this 31st day of October, 2012.

23

24

                    _____
                    ASHLEY SOEVYN, CSR 12019
25

                                                Page 265